



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/970,409 | 10/03/2001 | Matthew Shulman | 213792 | 2545 |

23460 7590 08/19/2003

LEYDIG VOIT & MAYER, LTD
TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO, IL 60601-6780

| |
|----------|
| EXAMINER |
|----------|

INGBERG, TODD D

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2124

DATE MAILED: 08/19/2003

15

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/970,409

Applicant(s)

SHULMAN ET AL.

Examiner

Todd Ingberg

Art Unit

2124

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-34 is/are pending in the application.
- 4a) Of the above claim(s) 1-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Art Unit: 2124

DETAILED ACTION

1. Status of case 09/970,409 - Allowance of December 3, 2002 has been revoked.

A non-final action on merits follows.

2. Status of claims.

Claims 21 - 34 have been examined.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 21 - 34 are rejected under 35 U.S.C. 102(a,b) as being anticipated by Microsoft's commercial product Visual Basic 5.0. The Visual Basic product version 5.0 is documented by references from before and after the file date. All these documents were drawn specifically to Visual Basic 5.0 are considered prior art under *In re Epstein* 31 USPQ2d 1817 (decided August 17, 1994). Specifically, the features "**Auto List Members**" and "**Auto Quick Info**" from Visual Basic 5.0 is the grounds of rejection. Also, noted is that Visual Basic™ is a standalone product of Microsoft® as well as embedded in other Microsoft products such as Access™.

Art Unit: 2124

5. Grounds of Rejection Visual Basic 5.0 “**Office Developer Web Forum**” publish date October 14, 1996.

Microsoft Visual Basic 5.0 anticipates the claimed invention as documented in (Microsoft Office™) Office Developer Web Forum Dated October 14, 1996.

The “**Auto List Members**” feature assists programmers in real-time (while writing code) to modify a programming language statement (see the ability to recognize the object name and list the members (methods) and properties (textual) of the object to the programmer), the position is random (dynamic) in the sense you don’t know where on the screen the programmer will enter an object name automatically causing the list to appear. Visual Basic is initially interpreted (partially compiling) , also the feature is “passive assist window” with a selection menu the scroll down list contains a finite number of selections. The view is not disturbed given the display starts after the name of the object. Once a selection is made the window disappears. It should be noted the methods and properties of the object are defined by the programmer as part of the programming process thus objects are user defined and the methods and properties in the “**Auto List Members**” are user defined to reflect the possible selection and proper syntax of the coding of program statements.

6. Grounds of Rejection Visual Basic 5.0 “**Office Developer Web Forum**” publish date October 14, 1996.

Microsoft Visual Basic 5.0 anticipates the claimed invention as documented in (Microsoft Office™) Office Developer Web Forum Dated October 14, 1996.

The “**Auto Quick Info**” feature assists programmers in real-time (while writing code) to modify a programming language statement (see the ability to recognize the proper syntax of the

Art Unit: 2124

member as it is displayed (textual) to the programmer), the position is random (dynamic) in the sense you don't know where on the screen the programmer will enter an method name automatically causing the display to appear. Visual Basic is initially interpreted (partially compiling) , also the feature is "passive assist window" with a selection that is finite. The view is not disturbed given the display starts after the name of the method and just below. Once a selection is made the window disappears. It should be noted the methods and properties of the object are defined by the programmer as part of the programming process thus objects are user defined and the methods and properties in the **"Auto Quick Info"** are user defined to reflect the possible selection and proper syntax of the coding of program statements.

7. Grounds of Rejection Visual Basic 5.0 **"Office Developer Web Forum"** publish date October 14, 1996.

Microsoft Visual Basic 5.0 anticiaptes the claimed invention as documented in (Microsoft Office™) Office Developer Web Forum Dated October 14, 1996. The combination of use of both **"Auto List Members"** and **"Auto Quick Info"** anticiapte the claimed invention as described above and work with in Visual Basic 5.0.

8. Claims 21 - 34 are rejected under 35 U.S.C. 102(a,b,e) as being anticiapted by "Smalltalk-80 The Interactive Programming Environment" by Adele Goldberg of Xerox Palo Alto Reseach Center (Xerox PARC). Published 1984.

Art Unit: 2124

Smalltalk-80 anticipates the claimed invention by providing Spelling Correction with the programming environment (page 354) page 355 shows the unobscured view of a list of items to select from with the feature "correct it" a means of determining the most likely correction by searching known symbols in the system (page 355). The window closes automatically upon confirm of correction (page 356). Pages 358 - 362 show additional examples on spelling corrections in lines of program statements.

Chapter 17 from pages 364 - 374 show similar functionality to the Spelling correction feature but in this example the syntax of the programming statements are the focus of the tool. In addition to the multiple lists of items to select from the Figure 17.2b on page 366 is of particular relevance. Please, note the unobscured view of showing the entry of "setinitialBalance amount and the programmer assistance on the lower right of the window. This is the confirmation of a newly defined method (the reference calls it a message).

Claims

The current claims are recited below as a courtesy. Also please note that the correspondence dated November 25, 2003 page 3 stated claims 25 - 35 were added. It is believed this is a typing error and claims 25-34 were added.

Art Unit: 2124

Claim 21

A computer-readable medium containing computer-executable instructions to perform a method for assisting a computer programmer in real-time to modify a present programming language statement of a computer program, the method comprising: enabling a programming language editor having a character position cursor and a randomly positionable pointer; partially compiling available ones of a plurality of programming language statements in said computer program; defining a finite set of programming language statement information that is relevant to at least one segment of the present programming language statement from among said plurality of programming language statements that is proximate to said character position cursor which allows modification of the programming language statement; and automatically generating a passive assist window that contains at least one of selection menu information and said finite set of programming language statement information in a location proximate to said character position cursor that does not obstruct the current view of said programming language statement.

Claim 22

The computer-readable medium of claim 21, having further computer-executable instructions for performing: modifying the present programming language statement based at least in part on the selected programming language statement information; and automatically removing the passive assist window when the programming language statement has been amended.

Art Unit: 2124

Claim 23

A computer-readable medium whose contents cause a computer system to supplement a computer programming statement by performing the steps of: automatically displaying the computer programming statement; and proximate to the display of an incomplete computer programming statement, automatically displaying a dynamic list of one or more textual programmatic entities.

Claim 24

The computer-readable medium of claim 23, having further computer-executable instructions for performing: receiving a user input selection of one of the displayed textual programmatic entities; and adding the selected textual programmatic entity to the displayed statement.

Claim 25

A method for assisting a computer programmer in modifying a programming language statement, the method comprising: enabling a positionable cursor within a programming language editing tool; automatically generating a passive assist window in response to the location of the positionable cursor, the passive assist window containing programming language statement information including at least one of selection menu information and information related to the programming language statement.

Claim 26

The method of claim 25 wherein the passive assist window generates and disappears independent of user intervention.

Art Unit: 2124

Claim 27

The method of claim 25 wherein the passive assist window permits a user typing the programming language statement to type through the programming language statement information, the passive assist window automatically altering the programming language statement information in response to the typing.

Claim 28

The method of claim 25 wherein the passive assist window further provides one or more entries for completing the programming language statement via automatic anticipation typing.

Claim 29

The method of claim 28 wherein the one or more entries are user-defined entries.

Claim 30

The method of claim 29 wherein the user-defined entries enable a plurality of users to modify related programming language statements independent of prior sharing of information related to the user-defined entries.

Claim 31

The method of claim 25 wherein the passive assist window is a pop-up window that disappears if ignored by a user.

Art Unit: 2124

Claim 32

A computer readable medium containing computer executable instructions to perform a method for assisting a computer programmer in modifying a programming language statement, the method comprising: enabling a positionable cursor within a programming language editing tool; and automatically generating a passive assist window in response to a location of the positionable cursor, the passive assist window containing programming language statement information including at least one of selection menu information and information related to the programming language statement.

Claim 33

The method of claim 32 wherein the passive assist window generates and disappears independent of user intervention.

Claim 34

The method of claim 32 wherein the passive assist window permits a user typing the programming language statement to type through the programming language statement information, the passive assist window automatically altering the programming language statement information in response to the typing.

Art Unit: 2124

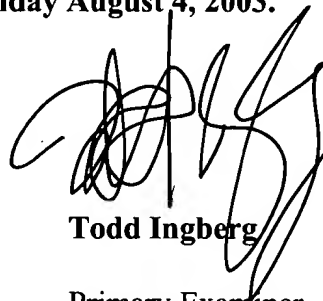
Correspondence Information

9. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to **Todd Ingberg** whose telephone number is **(703) 305-9775**. The Examiner is working a Maxi-Flex schedule and can be reached Monday through Friday. If attempts to reach the examiner by telephone are unsuccessful, the **Examiner's Supervisor, Kakali Chaki** be reached at **(703)305-9662**. Any response to this office action should be mailed to: **Director of Patents and Trademarks Washington, D.C. 20231**, or **Hand-delivered** responses should be brought to **Crystal Park II, 2121 Crystal Drive Arlington, Virginia, (Receptionist located on the fourth floor)**, or **faxed**. The following **fax numbers** apply:

Official

(703) 872-9306

Please, Note the new FAX number as of Monday August 4, 2003.

A handwritten signature in black ink, appearing to read 'Todd Ingberg', is written over a horizontal line. The signature is stylized with loops and a long horizontal stroke extending to the right.

Todd Ingberg

Primary Examiner

Art Unit 2124

August 13, 2003